

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMMUNITY CABLE TELEVISION AGENCY OF O'BRIEN COUNTY, d/b/a COMMUNITY CABLE TELEVISION	DOCKET NO. TCU-00-40
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ORDER APPROVING APPLICATION AND CONCURRENCE IN MAPS

(Issued September 12, 2000)

On July 6, 2000, the Board of Trustees of Community Cable Television Agency of O'Brien County, d/b/a Community Cable Television (Community Cable Television), filed an application for issuance of a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29 (1999), stating its intention to provide land-line local exchange services. Community Cable Television is a legal entity existing under Iowa Code Chapter 28E and is composed of the cities of Primghar, Sanborn, Hartley, and Paullina, Iowa. Community Cable Television proposes to provide service to the current Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, successor to GTE Midwest Incorporated (Iowa Telecom) exchanges of Primghar, Hartley and Paullina, and to the current Northern Iowa Telephone Company (NITC) exchange of Sanborn, as shown on the local exchange maps of the two companies. Community Cable Television states that it will provide two-PIC

methodology for intraLATA and interLATA dialing parity. The application has been identified as Docket No. TCU-00-40.

Iowa Code § 476.29(2) (1999) provides that the local exchange carrier shall not be denied a certificate if the Utilities Board (Board) finds that the applicant "possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with public interest."

Iowa Code § 476.29(13) (1999) provides that "approval of the voters of a city pursuant to section 388.2 of a proposal to establish or acquire a public utility providing communications services is conclusive evidence of the fact that the city has the technical, financial, and managerial ability to provide such service."

Community Cable Television filed with its application evidence that the voters of the City of Primghar, on November 4, 1997, the voters of the City of Paullina, on August 11, 1998, the voters of the City of Sanborn, on November 4, 1997, and the voters of the City of Hartley, on November 4, 1997, approved the establishment of a communications utility in each of the cities. Since the cities which compose Community Cable Television have the voters' approval, the Board finds that Community Cable Television has the technical, financial, and managerial ability to provide local exchange service and that it is consistent with the public interest.

Iowa Code § 476.29(4) requires that each certificate define the service territory in which land-line local telephone service will be provided and authorizes the Board to promulgate rules establishing requirements for filing maps showing the service territory. Subrule 199 IAC 22.20(3) requires that all utilities have on file with

the Board maps, which show exchange boundaries. The Board finds that Community Cable Television has complied with the statute and the Board's rules by concurring in the maps for the exchanges of Primghar, Hartley, Paullina, and Sanborn of Iowa Telecom and NITC, respectively.

Community Cable Television has not filed proposed tariffs for Board approval setting out the service and rates for providing local exchange service. The Board finds that a certificate should not be issued to Community Cable Television until it has approved tariffs.

IT IS THEREFORE ORDERED:

1. The application for a certificate of public convenience and necessity filed by the Board of Trustees of Community Cable Television Agency of O'Brien County, Iowa, d/b/a Community Cable Television, on July 6, 2000, is approved, subject to the requirement that follows.

2. At the time Community Cable Television files tariffs with the Board, it must give notice to all affected local exchange carriers. Upon approval of tariffs to reflect the prices, terms, and conditions of local exchange service, the Board will issue a certificate of public convenience and necessity authorizing the Board of Trustees of Community Cable Television of O'Brien County, Iowa, d/b/a Community Cable Television, to provide local exchange service in Iowa.

3. The concurrence in the maps and boundaries of the Primghar, Hartley and Paullina exchanges in the tariffs of Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, successor to GTE Midwest Incorporated, and the Sanborn exchange in the tariffs of Northern Iowa Telephone Company, is approved.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr. /s/ Diane Munns
Executive Secretary

Dated at Des Moines, Iowa, this 12th day of September, 2000.